

WC 07-118

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED
JUN - 7 2007
Federal Communications Commission
Office of the Secretary

In the Matter of)	CC Docket No. 99-200
Numbering Resource Optimization)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	

**PETITION OF THE PUBLIC SERVICE COMMISSION OF WISCONSIN
FOR FURTHER DELEGATED AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Public Service Commission of Wisconsin (PSCW) respectfully submits this petition to the Federal Communications Commission (FCC) for authority to implement additional number conservation measures. Specifically, the PSCW seeks delegated authority to optimize the use of numbering resources by implementing mandatory thousands-block number pooling within the 715 and 920 Numbering Plan Areas (NPA). The PSCW requests an expedited grant of this authority to ensure that the public is protected from the unnecessary expense and confusion related to premature area code splits or overlays, particularly when numbering resources exist to prevent it.

Background

The Telecommunications Act of 1996 (1996 Act)¹ allows the FCC to delegate jurisdiction over numbering matters to state commissions or other entities. In 1998, the FCC adopted the Pennsylvania Numbering Order² where it delegated authority to state commissions to order NXX code rationing in conjunction with area code relief decisions, in the absence of industry consensus. In that order, the FCC also encouraged state commissions to seek further

¹ Pub. L. No. 104-104, 110 Stat. 56 (1996 Act).

² See *In the Matter of the Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997, Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009 (1998).

limited delegations of authority to implement number conservation measures.³ The PSCW appreciates the FCC's understanding of the states' needs for immediate action in order to further optimize number conservation measures.

In the *Numbering Resource Optimization Notice*,⁴ the FCC concluded that thousands-block number pooling is an important numbering strategy, essential to extending the life of the North American Number Plan (NANP). With the implementation of thousands-block number pooling in many areas, NPA (area code) lives across the nation have been extended. Not all areas are yet in pooling, so there is the potential to use additional pooling to further extend the lives of many area codes.

On February 24, 2006, the FCC released an order⁵ granting the petitions of the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission and the Missouri Public Service Commission for delegated authority to implement mandatory thousands-block pooling. In the Further Notice of Proposed Rulemaking (FNPRM), also adopted on that date, the FCC "recognized the invaluable role of the state commissions in number administration and optimization"⁶ and requested comments on whether it should extend mandatory pooling by giving the states delegated authority to implement mandatory thousands-block pooling at their discretion, or whether the FCC should continue to review requests for delegated authority on a case-by-case basis. In June 2006, the PSCW filed reply comments in support of delegation of

³ In fact, by an order dated November 30, 1999, in CC docket No. 96-98, the FCC previously granted some delegated authority to the PSCW to address number conservation measures then available, which at that time did not include mandatory number pooling. Since then, those efforts combined with subsequent FCC-required thousands-block number pooling in many rate centers, greatly enhanced the lives of Wisconsin area codes from what were forecast in that time frame. The extensions of these area code lives served well the Wisconsin public and telecommunications providers alike.

⁴ See *Numbering Resource Optimization Notice*, 14 FCC Red at 10383-84.

⁵ In the Matter of Numbering Resource Optimization, Order and Fifth Further Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 06-14, Rel. February 24, 2006.

⁶ FNPRM, paragraph 16.

authority to all states. The PSCW noted that this delegation would give the states the ability to respond quickly and efficiently to number resource optimization issues as they arise, minimize consumer expense and inconvenience by delaying the need to implement area code relief plans and to conserve valuable state and FCC administrative resources associated with the current case-by-case approach. The FCC has not yet acted on the issue of giving all states this delegated authority. Consequently, individual states have continued to seek FCC delegation to mandate thousands-block number pooling to leverage all conservation measures in an effort to postpone area code exhaust and implementation of relief efforts.

The PSCW requests that same delegated authority to explore this option.

The PSCW Request

In the *Numbering Resource and Optimization First Report and Order*,⁷ the FCC held that state commissions seeking thousands-block number pooling authority must first demonstrate that 1) an NPA in its state is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) the NPA is in one of the largest 100 metropolitan statistical areas (MSAs), or alternatively, the majority of wireline carriers in the NPA are Local Number Portability (LNP) capable. The FCC further recognized that “special circumstances” may exist in which pooling would be beneficial in the NPAs that do not meet all of the above criteria and stated that it may authorize mandatory pooling in such an NPA upon a satisfactory showing by a state commission of special circumstances.⁸

NeuStar, in its role as the North American Numbering Plan Administrator (NANPA), has informed the PSCW that both the 715 and 920 area codes are in jeopardy and are projected to exhaust their supply of available central office codes in the near future. The 715 area code is

⁷ See *Numbering Resource Optimization*, CC Docket No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 7574 (Mar. 31, 2000) (First NRO Order).

⁸ See *id.*

currently projected to exhaust in the fourth quarter of 2009, while the 920 area code is currently projected to exhaust in the second quarter of 2010.⁹ These facts demonstrate that Wisconsin meets the first two FCC criteria noted above.

According to data in the Local Exchange Routing Guide (LERG), the vast majority of Wisconsin rate centers is local number portability (LNP) capable and should therefore be able to engage in number pooling. Currently, 249 of the 253 rate centers located in the 715 NPA are LNP-capable, while 124 of the 126 rate centers located in the 920 NPA are LNP-capable. In addition, both the 715 and 920 NPAs have rate centers that are located within one of the top 100 Metropolitan Statistical Areas (MSA).¹⁰ This shows that the Wisconsin situation for the 715 and 920 NPAs meets the third FCC criteria.

In addition to meeting all criteria set forth by the FCC, the PSCW contends that the coincidental exhaust of two adjacent NPAs in Wisconsin constitutes a “special circumstance.” According to NeuStar, this situation has the potential to create significant customer confusion and may present the telecommunications industry with unique educational challenges. In addition to these concerns, potential logistical issues involving 911 call routing, AIN programming changes, complex permissive dialing arrangements and trunking concerns exist.

NeuStar originally filed a petition with the PSCW for relief in the 715 NPA on August 9, 2002. However, various conservation measures, including mandatory number pooling in some areas, were subsequently implemented which decreased the demand for numbering resources in

⁹ http://www.nanpa.com/pdf/NRUF/2007_1_NPA_Exhaust_Projections.pdf.

¹⁰ Two counties in the 715 NPA (Pierce and St. Croix) are located in the Minneapolis-St. Paul-Bloomington MN-WI MSA. Sections of two counties in the 920 NPA are located in two MSAs; Ozaukee County is located in the Milwaukee-Waukesha-West Allis, WI MSA and Columbia County is located in the Madison, WI MSA.

the 715 NPA. Accordingly, the projected life of the 715 NPA was extended and there was no immediate need for action by the PSCW.

Mandatory number pooling was implemented in 25 of the 253 rate centers located in the 715 NPA on August 6, 2003. At that time, the projected 715 NPA exhaust date was the fourth quarter of 2006. Mandatory number pooling was implemented in 11 of the 126 rate centers located in the 920 NPA on April 4, 2003. At that time, the projected 920 NPA exhaust date was the first quarter of 2005. NeuStar, in its role as the national Pooling Administrator (PA), estimates that pooling has saved 41 NXXs in the 715 NPA and 213 NXXs in the 920 NPA since mandatory pooling began. Despite the limited number of rate centers required to pool, number pooling has been a key reason why the forecasted exhaust dates in both the 715 and 920 NPAs have been extended.

On May 9, 2007, NeuStar filed an update with the PSCW regarding the projected exhaust date of the 715 NPA, as well as the updated projected lives of the 715 NPA relief alternatives previously filed with the PSCW. In addition, the PSCW anticipates that NeuStar will be filing a petition for relief in the 920 NPA in the very near future. In light of this new information, the PSCW is in the early stages of active relief planning for both NPAs.

The PSCW is seeking delegated authority to implement mandatory thousands-block number pooling in the rate centers in the 715 and 920 area codes as such action may extend the lives of the 715 and 920 NPAs by utilizing existing resources that might otherwise remain stranded. According to a recent FCC report,¹¹ both the 715 NPA and 920 NPAs have a low

¹¹ Numbering Resource Utilization in the United States as of December 31, 2005, Released January 2007, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-269517A1.pdf.

utilization rate and a significant quantity of unassigned telephone numbers.¹² While mandatory thousand-block pooling will not eliminate the need for area code relief, it may help to extend the anticipated exhaust date in both the 715 and 920 NPAs. This would not only benefit consumers, it would provide the telecommunications industry with additional time to plan and implement the necessary relief.

During the last year, the PSCW has been successful in working with many telecommunications providers in Wisconsin, both CLECs and ILECs alike, on a case-by-case basis to recover numbering resources that might otherwise have been stranded. To facilitate this effort, the PSCW contacted the pooling administrator in the fall of 2006 and requested that the status of all Wisconsin rate centers (in all five Wisconsin area codes) that were listed as “excluded” from pooling be changed to “optional.” This change did not impact a provider’s pooling obligations, rather it was an administrative change meant to expedite future voluntary donations to the pool. Although the PSCW intends to continue its efforts to solicit voluntary donations from industry, the most recent national number resource usage forecast (NRUF) suggests that voluntary donations alone have not been enough to extend the projected lives of the 715 and 920 NPAs.

In consideration of these facts related to the 715 and 920 Wisconsin NPAs, the PSCW believes that a further exploration of mandatory thousand-block pooling is necessary and is a logical further step to conserving numbering resources and postponing, not eliminating, area code relief efforts and the changes they impose on consumers and providers. The PSCW intends to continue relief planning for these area codes, but requests this delegated authority to provide the maximum of time for relief planning and implementation.

¹² The 715 NPA has a utilization rate of 29.3% and has approximately 3,951,000 available numbers; while the 920 NPA has a utilization rate of 38.7% and has approximately 2,784,000 available numbers.

Conclusion

The PSCW requests that the FCC grant this petition for delegated authority to implement mandatory thousands-block number pooling in LNP-capable rate centers in the 715 and 920 NPAs so that it might prolong the lives of these area codes and provide for additional time to implement any relief plans adopted. Since time is of the essence to ensure that number conservation measures have the maximum effect on reducing the demand for numbering resources, and to avoid premature area code relief, the PSCW respectfully requests that the FCC grant its request for additional delegated authority on an expedited basis.

Dated at Madison, Wisconsin, June 1, 2007

By the Commission:

/s/ *Sandra J. Paske*
Sandra J. Paske
Secretary to the Commission

SJP:GAE:KLB:slg:DL\PSC\Utilities\00000-00999\000-099\05\Dockets\5-TN-100\FCC Petition for Delegated Authority.doc